



City of Santa Barbara California

II. A.

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: February 21, 2018
AGENDA DATE: February 28, 2018
PROJECT ADDRESS: 1032 Del Sol Avenue (MST2017-00860)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
Beatriz Gularte, Senior Planner *BEG*
Tony Boughman, Assistant Planner *TB*

I. PROJECT DESCRIPTION

The project involves an existing single family residence and the proposal is to convert the existing 272 square foot detached accessory building to an accessory dwelling unit (ADU). Interior alterations to add permanent cooking and bathing facilities are proposed. The existing 1,768 square foot single-unit residence and detached two car garage on the 5,836 square foot lot in the Non-Appealable Jurisdiction of the Coastal Zone and R-2, Two-Family Residence zone would remain unaltered. Additional parking is not required or proposed.

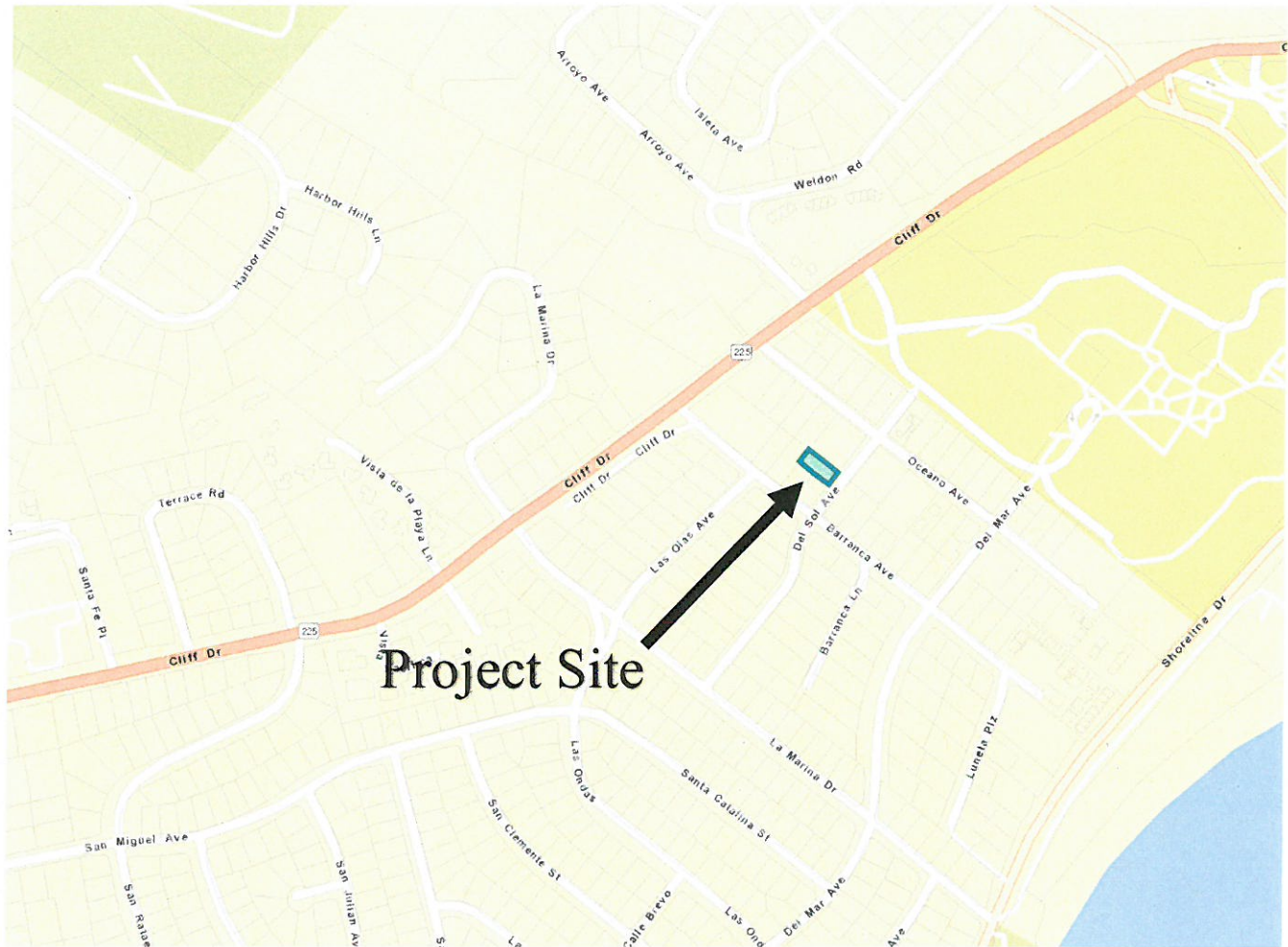
II. REQUIRED APPLICATION

The discretionary application required for this project is a Coastal Development Permit (CDP2018-00001) to allow a detached accessory dwelling unit in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

APPLICATION DEEMED COMPLETE: January 23, 2018
DATE ACTION REQUIRED: March 26, 2018

III. RECOMMENDATION

If approved as proposed, the project would conform to the City's Zoning and Building Ordinances and policies of the Local Coastal Plan. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VIII of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map 1032 Del Sol Avenue

IV. **BACKGROUND**

The existing detached accessory building was permitted in 1996 as habitable space. A new kitchenette would be installed in the existing closet, and a shower would be installed in the existing bathroom to create a new accessory dwelling unit.

New State requirements regarding local government regulation of accessory dwelling units became effective on January 1, 2017. The Legislature amended Government Code section 65852.2 to modify the requirements that local governments may apply to accessory dwelling units with the intent of removing development barriers. Government Code 65852.2 states that accessory dwelling unit applications “shall be considered ministerially without discretionary review or a hearing.” However, 65852.2 does not “supersede or in any way alter or lessen the effect or application of the California Coastal Act...except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.” (Gov. Code, § 65852.2, subdivision. (j).)

On April 18, 2017 the California Coastal Commission published a memorandum clarifying how local jurisdictions should apply the new regulations in the Coastal Zone. The memorandum clarifies that although *attached* accessory dwelling unit applications can be exempt from Coastal Development Permits, *detached* units do not qualify for an exemption. However, detached units which involve no potential for any adverse effect on coastal resources and are consistent with the Chapter 3 policies of the Coastal Act, do qualify for a Coastal Development Permit “waiver.” In the City of Santa Barbara, this “waiver” is known as a “Coastal Development Permit without hearing.” Therefore, the Staff Hearing Officer, is the designated decision-maker on the Coastal Development Permit (SBMC 28.44.110.C), but shall not require a public hearing in accordance with Government Code 65852.2.

Because the proposed unit is detached from the main residence, a Coastal Development Permit is required with no public hearing.

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Raymond Appleton		
Property Owner:	Douglas Casselmain		
Site Information			
Parcel Number:	045-071-008	Lot Area:	5,386 square feet
General Plan:	Residential 12 units/acre	Zoning:	R-2/SD-3
Existing Use:	Single Unit Residential	Topography:	9% slope
Adjacent Land Uses			
North – Multi Unit Residential		East – Multi Unit Residential	
South – Multi Unit Residential		West – Multi Unit Residential	

B. PROJECT STATISTICS

	Existing	Proposed
Primary Dwelling	1,768 square feet	No Change
Accessory Dwelling	N/A	272 square feet
Accessory Space	272 square feet	0 square feet
Garage	400 square feet	No Change

VI. POLICY AND ZONING CONSISTENCY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks -Front (2-story) -Interior	20 feet 6 feet	5 ft. 9 in. primary unit 6 feet	No change
Height (accessory)	30 feet	19 feet 8 inches	No Change
Parking	Primary Unit = 2 spaces ADU = 0 spaces	Primary Unit = 2 spaces ADU = N/A	No Change
Open Yard	1,250 square feet	+/- 1,250 square feet	No Change

Accessory dwelling units are permitted in single family and multi-family residential zones provided they meet the requirements in Government Code 65852.2 and comply with applicable local zoning requirements. The proposed detached accessory dwelling unit would be created by converting an existing detached accessory building, which is less 1,200 square feet in size. Additionally, the accessory unit complies with building height, open yard, and setback requirements. Parking for the accessory dwelling unit is not required as it is converting existing floor area, and is also located within one quarter mile of public transit.

B. COASTAL ACT AND LOCAL COASTAL PLAN CONSISTENCY

Per the California Coastal Commission memorandum dated April 18, 2017, because the ADU is detached from the main residence it requires a Coastal Development Permit and must be found consistent with the California Coastal Act and the City's Local Coastal Plan (LCP).

COASTAL ACT CONSISTENCY

The project must be found consistent with the applicable policies of the California Coastal Act.

Coastal Act Section 30250 states that new residential development shall be located where adequate public services are provided and shall not have an adverse effect on coastal resources. This new residence is located within an existing detached accessory building behind the residence that is currently served by all public services. Furthermore there are public parks and beaches also located nearby. The project is consistent with this policy.

Coastal Act Section 30251 states that scenic and visual qualities of coastal areas shall be considered and that development shall be visually compatible with the character of surrounding areas. The project site is converting the existing permitted accessory structure with no exterior alterations, therefore, the project will not alter any existing views to and from the ocean, and is not within a scenic view corridors. The project is consistent with this policy.

Coastal Act Section 30252 speaks to maintaining and enhancing public access by providing adequate parking, however Government Code 65852.2 precludes a requirement for parking for the project as it is proposed within an existing structure, and is also located within one quarter mile of a bus stop. The project can be found consistent with this policy.

LOCAL COASTAL PLAN CONSISTENCY

The project is in Component Two of the LCP, which is located between Arroyo Burro Creek and the westerly boundary of Santa Barbara City College. The LCP states that the primary land use of this area is single-family residential and has very limited additional development potential. The project's more immediate vicinity has a mixture of single-family, duplex, and multi-family development. The major coastal issues identified for Component Two include hazards of seacliff retreat and flooding, maintaining and providing public access, both vertically and laterally along the bluffs, preventing overuse of public facilities; protection of recreational access; protection of archaeological resources and the maintenance of existing coastal views and open space.

The project site is not located on the coastal bluff and proposes no ground disturbance to impact archaeological resources. Public views will not be affected because there are no public view corridors on the project site and there will be no increase to the size or height of the existing structure.

Policy 5.3 of the Local Coastal Plan states that new development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and /or on-street parking resources of existing residential neighborhoods shall not be permitted. This project is consistent with this policy because no new square footage is being added to the existing habitable building. The new secondary dwelling unit is being constructed within the existing detached accessory structure and the existing detached two-car garage will be maintained.

Policy 5.6 of the Local Coastal Plan states that to the maximum extent feasible, taking into account economic, environmental, social and technological factors, provisions for low-and moderate-income housing in all new residential developments shall be provide. This project is consistent with this policy because the new accessory dwelling unit is modest in size and would therefore be more affordable by design.

Policy 9.1 of the LCP states that existing views to and from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced. The addition of this dwelling unit will be within the existing building and not inhibiting existing views to and from or along the ocean or any scenic coastal areas.

Therefore, the proposed project can be found consistent with the applicable policies of the California Coastal Act, the Local Coastal Plan, and all implementing guidelines.

VII. ENVIRONMENTAL REVIEW

Because the project is permitting the conversion of an existing detached garage to an accessory dwelling unit with only interior construction and no ground disturbance, the project is exempt from further environmental review pursuant to CEQA Categorical Exemption 15303, Construction or Conversion of Small Structures.

VIII. FINDINGS

The Staff Hearing Officer finds the following:

A. California Coastal Act

The project is consistent with policies of the California Coastal Act because it is located where adequate public services are provided and shall not have an adverse effect on coastal resources, or the scenic and visual qualities of coastal areas and is visually compatible with the character of the surrounding area. Parking for the existing residence will be maintained and a requirement to provide parking for the new unit is precluded by Government Code 65852.2 as it is proposed within an existing structure, and is also located within one quarter mile of a bus stop.

B. Local Coastal Plan

The project is consistent with all applicable policies of the City's Local Coastal Plan because it is compatible with the prevailing character of the established neighborhood; it would not result in an overburdening of public circulation and /or on-street parking resources of existing residential neighborhoods because no new square footage is being added to the existing habitable building and the existing detached two-car garage will be maintained. The type of housing provided by the new, modest sized accessory dwelling unit would be more affordable by design. The addition of this dwelling unit within the existing building will not inhibit existing views to and from or along the ocean or any scenic coastal areas.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

1032 DEL SOL AVENUE
COASTAL DEVELOPMENT PERMIT
MST2017-00860
FEBRUARY 28, 2018

I. In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owners and occupants of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
3. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition E "Construction Implementation Requirements."
4. Record any required documents (see Recorded Conditions Agreement section).
5. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on February 28, 2018 is limited to the conversion of the accessory building to an accessory dwelling unit and accessory floor area as shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
2. **Accessory Dwelling Unit.** The accessory dwelling unit shall not be sold separately from the primary residential unit, and shall be rented for more than 30 consecutive days.
3. **Owner Occupancy Required.** The owner of the lot shall occupy either the primary residential unit or the accessory dwelling unit as his or her primary residence.
4. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
5. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view.

- C. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. Public Works Department.

- a. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows:

The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

_____ Property Owner	_____ Date	
_____ Contractor	_____ Date	_____ License No.
_____ Architect	_____ Date	_____ License No.
_____ Engineer	_____ Date	_____ License No.

- D. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name and

telephone number(s) to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed six square feet in a single family zone.

2. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.
3. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

- E. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
 1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to

the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

F. General Conditions.

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Staff Hearing Officer.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Staff Hearing Officer action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.



City of Santa Barbara California

***** SEPARATELY DISTRIBUTED SITE PLAN *****

Exhibit A: This site plan for this Staff Report has been distributed separately. A copy of the Staff Report, site plan, and exhibits/attachments are available for viewing at the Planning and Zoning Counter at 630 Garden Street, Santa Barbara, CA between the hours of 8:30 a.m. and 4:30 p.m., Monday through Thursday, and every other Friday.

Please check the City Calendar at www.SantaBarbaraCA.gov to verify closure dates.

EXHIBIT B

Raymond A. Appleton
Permit Planners and Design Group
133 E. De La Guerra St #259
Santa Barbara, CA 93101

Tel (805) 564-4800 Cell (805) 895-1414 E-mail: PermitPlanners@earthlink.net
Website: www.PermitPlanners.net

December 13, 2017

Susan Reardon
Staff Hearing Officer
Community Development Department
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

RECEIVED
DEC 22 2017
CITY OF SANTA BARBARA
PLANNING DIVISION

Re: 1032 Del Sol Avenue / APN 045-071-008 / Coastal Development Permit
Accessory Dwelling Unit Studio from Existing Permitted Detached Bedroom

Dear Susan Reardon:

Our firm Permit Planners and associate firm Design Group have been retained by the property owners Doug and Becky Casselman, co-trustees of the Douglas and Patricia Living Trust, to seek the continued year-round habitable use of their permitted detached bedroom as an Accessory Dwelling Unit Studio per State Government Code Section 65852.2.

Mr. and Mrs. Casselman have owned and occupied the property as their home since 1975, and permitted the detached bedroom in 1996, which received a Coastal Development Permit Exclusion along with a remodel of their home. They have shared their home with a housemate occupant of the detached bedroom, who was often a City College student who bicycled to classes only a block away. The mixed development neighborhood, consisting of multi-unit apartments and single family homes are often shared residences with students of City College. This project's improvement to become an ADU Studio will also provide access to the beach with a privately occupied self-sufficient residence, for which there is a need along our coast.

The detached bedroom exterior was designed to match the architectural features of the residence, which was approved, along with the Site Plan, by the Architectural Board of Review in 1996. Although, no changes are proposed for the exterior of the ADU Studio, we have included in the submitted plans a print of the ABR approved four elevations from the City Archives, as an information sheet. Specifically, the project before you involves limited interior construction by adding a stove with a food preparation counter and adding a shower in the permitted half-bath. The existing permitted wet-bar sink and a small refrigerator, not requiring a permit, will both be replaced with a larger fixture and appliance. In addition to this 22 sq.ft. of interior alteration for the ADU Studio's kitchen and bath areas, an as-built 6 foot wood fence and gate at the front of the property will be removed and replaced with a 6 foot hedge, except that a 3 foot 6 inch hedge will be in the driveway entry viewing triangle.

EXHIBIT C

December 13, 2017

Susan Reardon

City of Santa Barbara

Re: 1032 Del Sol Avenue / APN 045-071-008 / Coastal Development Permit

Accessory Dwelling Unit Studio from Existing Permitted Detached Bedroom

Page 2

The 5,836 net sq.ft. (0.13 acres) property is zoned R-2/SD-3 (SBMC Title 28) with a General Plan designation of Medium Density Residential. The property currently has three structures. The primary residence is 1,768 net sq.ft., of which 1,135 sq.ft. is the 1st floor and 633 net sq.ft. is the 2nd floor. The detached bedroom is 272 net sq.ft., and the 2-car garage is 400 net sq.ft. The FAR for the property is 82% of the Max FAR. The lot coverage statistics for the overall 5,836 net sq.ft. is: buildings - 2,004 sq.ft. (34%), hardscape - 1,327 sq.ft. (23%), and landscape - 2,505 sq.ft. (43%).

The project proposes no grading or ground disturbance to the property, and there is no change to the existing drainage on or from the property. The property's ground surface is primarily permeable gravel and pebble with intermittent flagstone walks. There are two drain outlets at the street, one from each side of the property. They receive water from downspouts fed into underground pvc piping, water from french drains' pvc piping, and water from driveway surface drains. For your review, I have attached a completed SWMP Checklist, and a completed and signed Hazardous Waste and Substances Statement, neither of which is applicable to this interior only construction of fixtures and appliances.

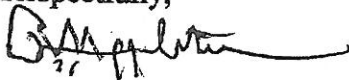
As referenced in the paragraphs above, the goal of this project is to appropriately respond to the State Government Code Section 65852.2, which requires the creation of new smaller independent living units throughout the State. The project is also consistent with the policies of the California Coastal Act, and with all applicable policies of the City's local Coastal Plan.

As the City of Santa Barbara has been involved in an ever evolving effort to interpret and develop a local governmental response to the required State Code, it has been necessary to communicate often with the City Staff. For clarification of the then current local interpretations, Staff advised that we may want to initially submit the project plans to the Building Department in order to receive preliminary comments as the plans were routed through the various departments and divisions.

Some of these Initial Plan Check Comments proved to be inconsistent and awaiting more reliable interpretations, which resulted in requiring much needed conversations with Staff before proceeding with the revised plans accompanying this Coastal Development Permit (CDP) application, and the Development Application Review Team (DART) application. The accompanying application plans and documents are in response to Staff's evolving encouragement and direction.

In consideration of all of the above, we request that the Staff Hearing Officer make the necessary findings and approve a Coastal Development Permit for this Accessory Dwelling Unit Studio.

Respectfully,



Raymond A. Appleton
Land Use Planner